

Update: Juvenile Traffic Benchbook

CHAPTER 8

Procedures for Civil Infractions

8.30 Civil Fines

Replace the second paragraph on page 8-36 with the following language:

As a general rule, if a person is determined to be responsible or responsible with explanation for a civil infraction, the civil fine shall not be more than \$100 plus costs. MCL 257.907(2). Fines for moving violations are doubled if the violation occurs in a work zone, at an emergency scene, or in a school zone (during certain periods). See MCL 257.601b.

Note: Effective January 9, 2004, 2003 PA 314 replaced references to “construction zone” in MCL 257.601b with references to “work zone.” MCL 257.79d defines “work zone.” 2003 PA 315, effective April 8, 2004.

CHAPTER 9

Elements of Selected Criminal Traffic Offenses

9.10 Failing to Stop at Signal of Police Officer (“Fleeing and Eluding”)

D. Issues

Insert the following case summary after the first paragraph in Section 9.10(D) near the middle of page 9-19:

Whether sufficient evidence exists to bind over a defendant for fleeing and eluding depends on “the type of signal given and the context in which it occurs[.]” *People v Green*, ___ Mich App ___, ___ (2004). In *Green*, the defendant moved to quash the information against him for fleeing and eluding on the grounds that the police officer and the police vehicle failed to satisfy the statutory requirement that both the vehicle and the officer be “plainly or clearly marked” at the time of the incident. *Green, supra*, ___ Mich App at ___. The trial court granted the defendant’s motion because the police officer who ordered the defendant to stop “was not in or near his police vehicle at the time defendant left the area.” *Green, supra*, ___ Mich App at ___.

The Court of Appeals reversed the trial court’s ruling and explained that the plain language of the fleeing and eluding statute requires a driver to stop when given a visual or audible signal by a police officer. *Green, supra*, ___ Mich App at ___. The officer’s signal may be given by hand, voice, emergency light, or siren, but the Court emphasized that MCL 750.479a “does not require that this signal to the driver of a motor vehicle be given *from within* the officer’s officially identified police vehicle.” *Green, supra*, ___ Mich App at ___ (emphasis in original). The Court further explained that the “fair and natural import” of the statutory language indicates that if the signal to stop is given by an officer away from that officer’s vehicle, the statute requires that the officer be in uniform. *Green, supra*, ___ Mich App at ___. Similarly, “if the signal occurs by emergency light or siren, that signal must come from an officially identified police vehicle in order to hold a driver accountable for the offense of fleeing and eluding.” *Green, supra*, ___ Mich App at ___.